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IOWA CORRESPONDENCE.

Below we give the letter of Charles Fawcett, Esq., which should have appeared last week but was unavoidably crowded out. Mr. Fawcett was for many years a resident of this county. About a year since he removed with his family to Iowa where he expects to remain during the remainder of his life. He is well known to many of our readers, and his letter will so doubt be interesting to them.

IRVING, CEDAR CO. IOWA,
April, 18th 1857.

Messrs. Tapp & McCort:—

My old friends, it is nearly one year since we shook the parting hand. We hear from you pretty regularly once a week by your welcome paper. We are here in what is thought the far west by those east of us; but here the people talk of going West, and think the far west is much better than here; though we think this is pretty far west.

Doubtless you with many of our old friends would like to hear from us—how we are and how we like the country. We are satisfied. We have enjoyed good health since we came to this State, and have cause of gratitude to God for his goodness to us. The health of the country, as far as my knowledge extends, has been very good during the time we have been here.

The winter has been long and those that have lived here for ten or fifteen years, say it has been unusually severe; but I think it was not as cold as the winter of 1855, in Ohio. It is true the cold strikes with more force here, than in a hilly country, and where there is an abundance of timber to break the wind. It requires warmer houses, and good shelter for stock. A great amount of the suffering we hear of is occasioned from want of comfortable fixtures, for both man and beast.

The summer is very pleasant, when the wide spread prairie is clothed with luxuriant grass and flowers of every hue. The amount of crops of all kinds of grain and vegetables, is almost incredible. Our stock roam where they please during the summer.

The country is pretty well watered. Like some parts of Ohio, springs are scarce, but good water is found at a depth of from fifteen to thirty feet. It seems the country is underlaid with limestone as most of the water is hard; and as a general thing the purest water is found away from the streams and timber. I cannot see why this State should be unhealthy. There is no stagnant water to produce malaria. It is thought that a great deal of the sickness that we have here is caused by the decomposition of the super-abundant vegetable matter.

To make a farm here requires considerable cash capital, to begin with, but then you get a quick return. To secure a good crop now land must be broken between the first of June and the middle of August. It is then let lie until the next spring, say from last of March to middle of last of April according to the season, when it is sown with wheat, about two bushels to the acre, and a good crop, yielding from twenty-five to thirty-five bushels per acre, is almost sure. The wheat grown in this State is very good, and makes as good flour, as I ever saw in Ohio. Had we as good millers as you have, we would get as much flour to the bushel. Corn and oats are raised here in great abundance, and of an excellent quality.

Lumber is about twice as high as in Ohio. Timber land is worth from fifty to one hundred dollars per acre. Fencing posts are worth ten dollars per hundred. A fence of three, six-inch boards, is worth about one dollar and fifty cents per rod. The laws of this State prohibit hogs from running at large, so that we don't need close fences to protect our crops.

The country is improving very rapidly—Railways are being made in almost every direction. In a few years this will be among the best States in the Union, unless the South should claim it for, and appropriate it to the raising of their human chattels, which, may God forbid. Our institutions, both Religious and Elementary are in a flourishing condition. We have an excellent school system. The school fund affords school from six to nine months in the year. We have good school houses, where needed. To build them the land in each school district is taxed uniformly—the unimproved as much as the improved.

These houses are occupied, through the country, as churches. Improved farms are worth from twenty to forty dollars per acre, and near Davenport land commands from one hundred to two hundred dollars per acre. This may seem strange, but it is true. The land is rich and easy to cultivate after it is once broken, and a stump nor a stone to trouble you. Quarries of stone are in some places good. Coal is found in many places.

Should you think this worthy your notice you may hear from me again. Respectfully to all our old friends in town and country.

Yours truly, etc.,
CHAS. FAWCETT.

Two pedlars travelling in Centre county Pennsylvania, recently hit upon an ingenious expedient to raise the wind. One of them traveled in advance from house to house, asserting that the Lock Haven Bank had suspended payment, and refusing to receive its notes as payment for the goods he sold. The next day his accomplice came along confirming the report, but receiving the notes in payment for goods, alleging that he was indebted to the bank.

under the authority of the constitution of the

Laws of Ohio.

PUBLISHED BY AUTHORITY.

[No. 134.] AN ACT
To amend an act for the punishment of certain offences therein named, passed March 9, 1851.

SECTION 1. Be it enacted by the General Assembly of the State of Ohio, That section thirty-five of the act entitled an act for the punishment of certain offences therein named, passed March 9, 1851, be, and the same is hereby so amended as to read as follows: Sec. 35; That if any person shall wilfully or maliciously set fire to or burn or caused to be burned, any barn or stack of hay, wheat, rye, oats, barley, flax, hemp or fodder, or grain of any kind, or any corn-crib, or place wherein corn may be deposited; or any fence, boards, plank, scantling, rails, tan-bark, or timber; the property of an other, and of the value of thirty-five dollars or upwards, every person so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be imprisoned in the penitentiary, and kept at labor not more than three years nor less than one year.

Sec. 2. That if any person shall wilfully or maliciously commit any of the offences enumerated in the preceding section of this act, but the injury or damage therefrom shall be of a less value than thirty-five dollars; every person so offending shall, upon conviction thereof, be fined in any sum not exceeding one hundred dollars, nor less than five dollars, or be imprisoned in the county jail not exceeding thirty days, or both at the discretion of the court: Provided, that nothing in this act shall be construed as to prevent the party injured from sustaining a civil suit, for damages which he may have sustained by either the afore said offences.

Sec. 3. That section thirty-five of the act to which this is amendatory, be and the same is hereby repealed. This act to take effect from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
THOMAS H. FORD,
President of the Senate.

April 16, 1857.

[No. 118.] AN ACT

To provide for the more adequate punishment of the crime of maliciously killing and injuring horses and other animals.

SECTION 1. Be it enacted by the General Assembly of the State of Ohio, That if any person or persons shall wilfully and maliciously kill or destroy any horse, mare, foal, filly, mule, ass, sheep, goat, cow, ox, steer, bull, heifer, or swine, the property of another or others of the value of thirty-five dollars or upwards, or shall wilfully and maliciously injure any such animal or animals the property of another or others; to the amount of thirty-five dollars or upwards, the person or persons so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be imprisoned in the penitentiary and kept at hard labor not more than three years; nor less, than one year.

Sec. 2. That if any person or persons shall wilfully and maliciously kill or destroy any horse, mare, foal, filly, mule, ass, sheep, goat, cow, ox, steer, bull, heifer or swine, the property of another or others of less value than thirty-five dollars, or shall maliciously injure any such animal or animals the property of another or others, to an amount less than thirty-five dollars, such person or persons shall upon conviction thereof be fined in any sum not more than two hundred dollars nor less than five dollars, or imprisoned in the jail of the county not exceeding three months, or both fined and imprisoned as aforesaid, at the discretion of the court.

Sec. 3. Nothing in this act shall be construed to extend to any person who shall kill or injure any of the before mentioned animals trespassing in his or her inclosure, nor to any person causing any such injury in endeavoring to prevent any such animal from committing a trespass, nor to any person who shall injure any such animal that has trespassed upon such person or his property while such person is endeavoring to compel such animal or animals to leave his premises, or driving such animal or animals away from the same.

Sec. 4. All offences under this act shall be prosecuted in the same manner as is or may be provided by law for the prosecution of offences of the same grade, in the different counties in this State.

Sec. 5. That section thirty-seven of an act for the punishment of certain offences therein named be and the same is hereby repealed: Provided that no prosecutions under said act shall be abated by its repeal but shall proceed the same as if this act were not passed.

N. H. VAN VORHES,
Speaker of the House of Representatives.
THOMAS H. FORD,
President of the Senate.

April 15th 1857

[No. 123.] AN ACT

In addition to the acts now in force to prevent nuisances.

SECTION 1. Be it enacted by the General Assembly of the State of Ohio That every person who shall erect, keep up, or continue and maintain any nuisance, to the injury of any part of the citizens of this State shall be fined in any sum not exceeding

five hundred dollars, at the discretion of the court, and the court shall, moreover, in case of conviction of such offence, order every such nuisance to be abated or removed.

Sec. 2. That the erecting, continuing, using, or maintaining any building, structure, or other place for the exercise of any trade, employment, manufacture or other business, which by occasioning noxious exhalations, noisome or offensive smells becomes injurious and dangerous to the comfort or property of individuals, or the public; the causing or suffering of any filth, or noisome substance to be collected; or to remain in any place, to the damage or prejudice of others or the public; the obstructing or impeding, without legal authority, the passage of any navigable river, harbor, or collection of water; or the corrupting, or rendering unwholesome or impure any water course stream or water; or unlawfully diverting any such water-course from its natural course or state, to the injury or prejudice of others; and the obstructing or impeding by fences, buildings, structures or otherwise any of the public highways, or streets or alleys of any city or village, shall be deemed nuisances; any person or persons guilty of erecting, continuing, using, or maintaining, or causing any such nuisances, shall be guilty of a violation of this act.

Sec. 3. All prosecutions for a violation of the provisions of this act shall be by indictment in the court of common pleas of the county in which the offence is committed, and in case of the conviction of any person for any such nuisance, the court shall make it a part of the judgement of the court, that such nuisance be abated or removed, by an order to be issued from said court to the sheriff of the proper county, for that purpose, at the expense and costs of the defendant in such prosecution, unless such nuisance shall be abated or removed before said order shall be issued to the sheriff.

Sec. 4. Any person injured in his health, comfort, property, or the enjoyment of his estate, by any nuisance may maintain, against the party guilty of the same, an action for the recovery of damages as in other cases.

N. H. VAN VORHES,
Speaker of the House of Representatives.
THOMAS H. FORD,
President of the Senate.

April 15, 1857.

[No. 136.] AN ACT

To prohibit the confinement of fugitives from slavery in the jails of Ohio.

SECTION 1. Be it enacted by the General Assembly of the State of Ohio, That it shall be unlawful to confine in prison, or to detain in the penitentiary of this State, or in the jails of any county in this State, or in a calaboose, lock up, guard house, or station in this State, any person or persons charged with simply being a fugitive from slavery.

Sec. 2. Any officer or person who shall violate the provisions of the preceding section shall be deemed guilty of a misdemeanor, and upon conviction thereof by indictment found by the grand jury of the proper county, shall be imprisoned in the jail of the county not less than thirty nor more than ninety days, and be fined in any sum not exceeding five hundred dollars.

N. H. VAN VORHES,
Speaker of the House of Representatives.
THOMAS H. FORD,
President of the Senate.

April 16, 1857.

[No. 141.] AN ACT

Relating to certain proposed Amendments to the Constitution, and the publication of this act, and an act therein named.

Whereas, the General Assembly of the State of Ohio, three-fifths of the members elected to each House agreeing thereto, have proposed five several Amendments to the Constitution, to be submitted to the electors for their approval or rejection at the election for senators and representatives, on the second Tuesday of October, 1857, therefore.

SECTION 1. Be it enacted by the General Assembly of the State of Ohio, That the electors of the state shall vote upon said proposed amendments at the general election in October, 1857, as herein prescribed, viz:

Those voting for amendment number one, shall put upon their ballots these words, "Annual Session—Yes"; those voting against it shall put upon their ballots these words, "Annual Session—No." Those voting for amendment number two shall put upon their ballots "Change of District Court—Yes"; those voting against it shall put upon their ballots "Change of District Court—No." Those voting for amendment number three, shall put upon their ballots "Bank and individual taxation Equal—Yes"; those voting against it shall put upon their ballots "Bank and individual taxation Equal—No." Those voting for amendment number four shall put upon their ballots "Corporations—Y's"; those voting against it shall put upon their ballots "Corporations—No." Those voting for amendment number five shall put upon their ballots "Single Districts—Yes"; those voting against it shall put upon their ballots "Single Districts—No."

Sec. 2. A return, additional to the return now required by law to be made, of the votes cast at such election for state officers, and senators and representatives, and also, for and against each of said five proposed amendments to the constitution, shall be certified and made by the clerk of each county to the secretary of state, within ten days after said election, and within twenty days after said election, the governor, secretary of state and attorney general shall open said returns and count the votes, and ascertain whether or not a majority of the votes cast at said election have been cast for proposed amendments, or either of them; and if it appears that a majority of the votes cast at such election have been cast for said proposed amendments, or either of them, the governor shall make proclamation thereof without delay.

Sec. 3. This act, and the act entitled "an act providing for the submission to the electors," of the act entitled "an act to incorporate the Bank of Ohio and branches," passed at the present session of the general assembly, shall be published by each county auditor, in two weekly English papers, if two be published in the county, and in one German weekly paper, if published in the county, for two weeks next preceding said election.

Sec. 4. The cost of publishing this act, and the act in the third section named, and of the said five proposed amendments to the constitution for six months, shall be paid out of the county treasury, and if the auditor of any county has not already contracted for the publication of said proposed amendments to the constitution, such auditors shall immediately proceed to contract for the same, as directed by resolution heretofore passed.

Sec. 5. This act shall take effect immediately.

N. H. VAN VORHES,
Speaker of the House of Representatives.
THOMAS H. FORD,
President of the Senate.

Columbus April 17, 1857.

[No. 139.] AN ACT

To regulate the compensation of Sheriffs for keeping and providing for prisoners in jail.

SECTION 1. Be it enacted by the General Assembly of the State of Ohio, That the Sheriffs of the several counties in the State shall hereafter be allowed such compensation as the county commissioners shall from time to time order and allow, not exceeding forty cents per day, for keeping and providing for prisoners in jail, as required by the eleventh section of the act for the regulation of county jails, passed March 13, 1843, and such allowances shall be made to the sheriff as part of the reasonable and necessary expenses of his office, for which he shall not be required to account as fees, costs or perquisites, under the provisions of the act to regulate and limit the compensation of certain county officers, passed April 8, 1856.

Sec. 2. That the act to provide for the reduction of the fees now allowed to sheriffs for keeping and providing for prisoners in jails, passed March 13, 1844, and all acts and parts of acts inconsistent herewith, be and the same are hereby repealed.

Sec. 3. This act shall take effect on its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
THOMAS H. FORD,
President of the Senate.

April 16, 1857.

[No. 161.] AN ACT

To provide for the more speedy collection of Claims of Creditors, Legatees, and Distributors of Executors, Administrators and Guardians, and to define the jurisdiction of the Court of Common Pleas, and Probate Court in certain cases.

SECTION 1. Be it enacted by the General Assembly of the State of Ohio, That after thirty days from the time of the settlement of the accounts of executors, administrators, or guardians, shall have been made, or shall hereafter be made, by the Probate Court, and an order of distribution made thereon, if such executor, administrator, or guardian shall neglect or refuse to pay to any person, interested in said order of distribution, as creditor, legatee, widow, heir, or other distributee or otherwise, when demanded, his or her share of the estate or property ordered to be distributed by such Probate Court, it shall be lawful for any person interested, as aforesaid, to file a petition in the Probate Court of the county in which the settlement and order of distribution is made against the executor, administrator or guardian making such settlement of his or her account, as aforesaid, briefly setting forth in the petition the amount and nature of the claim of the party filing such petition; whereupon the Probate Judge shall forthwith issue a citation against such executor, administrator, or guardian, setting forth the filing of the petition, the amount claimed by the petitioner, and commanding such executor, administrator, or guardian, to appear before said Probate Court on the return day thereof, to answer said petition, and show cause, if any, why judgment should not be rendered and execution awarded against him or her for the amount claimed by such petitioner, and found to be due upon such settlement and order of distribution, which citation shall be made returnable not less than twenty nor more than forty days from the date thereof, the return day to be named in the citation, which shall be served and returned by the Sheriff or other proper officer, as in case of a summons, and may issue to any county in the State.

Sec. 2. But if such executor, administrator, or guardian, shall reside out of this State, the court being satisfied of that fact, either before or after the return of the citation, may order such non-resident to be brought into court, by publication in some newspaper of the county in which the petition is filed, for six consecutive weeks before the time fixed for the hearing of said cause; or in case no newspaper be published in the county, then to be published in some newspaper having a general circulation in said county.

Sec. 3. On the return of the citation served, or the service of notice by publication, as aforesaid, the cause shall be considered ready for hearing, unless for good cause shown by either party the same shall be continued for trial and judgment, as in other cases of continuance, and if no good cause be shown, in defense of the claim of the plaintiff in such petition, it shall be lawful for such Probate Court to render judgment in favor of such plaintiff, against such executor, administrator, or guardian, for the amount found to be due to the petitioner, and remaining unpaid, upon the settlement and order of distribution, as aforesaid, with the interests and costs of suit, and to award execution thereon as in other cases of judgment, which execution shall be served and returned, by the Sheriff or other proper officer, in all respects as executions are issued from the Court of Common Pleas, and all judgments rendered under this act shall have like liens upon the real estate of the parties, as judgments rendered in the Common Pleas, and governed in all respects by the same rules.

Sec. 4. If the amount coming to any heir, legatee, widow, or other distributee, under such order of distribution, shall be uncertain, or in dispute, depending upon the construction of any devise, bequest, conveyance, contract, or advancement, or upon any other question, the Probate Judge may hear and determine all such questions necessary to ascertain and fix the amount due the plaintiff in such petition, and if necessary to hear and determine, and settle the rights and claims of all the parties interested, as aforesaid, in such order of distribution, and for that purpose the Probate Court is hereby authorized to cause all the heirs, legatees, or other distributees, parties in interest, to be made parties to said petition; when the same is necessary, by amended or supplemental petition, and service of notice, as is provided in the first and second section of this act, and in such case to render judgment and award execution against such executor, administrator, or guardian, in favor of the parties respectively, for the amounts respectively found due them, with the interest and costs, unless the court should be of the opinion the costs should be paid out of the estate ordered to be distributed, or by the parties, in which case such order shall be made respecting the costs as shall seem equitable.

Sec. 5. In all cases under this act the Probate Court before which any proceeding shall be pending shall, on motion of any of the parties to said proceeding, cause the same to be reserved and sent to the Court of Common Pleas of that county for trial; and judgment, and execution, and in case of such reservation it shall be the duty of the Probate Judge, forthwith to make out a transcript of his proceedings in the cause, so far as he has progressed in the same, which together with the petition, and all other papers in the cause, shall be forthwith filed with the Clerk of the Court of Common Pleas of the county in which the cause is commenced, and said cause shall thereafter be carried on to final judgment and execution in said Court of Common Pleas, in all respects as though the same had been originally commenced there, as in other civil actions, under the provisions of the code of civil procedure.

Sec. 6. The Court of Common Pleas shall have concurrent original jurisdiction with the Probate Court, in all cases provided for in the first, second, third and fourth sections of this act, and any creditor, legatee, widow, or other distributee, as aforesaid, may bring a civil action in the Court of Common Pleas of the proper county, against such executor, administrator, or guardian, for his or her share of the estate, upon such settlement and order of distribution, in the same manner as in other civil actions, and proceed therein to final judgment and execution, and be governed in all respects as upon other civil actions, under the code of civil procedure, and to cause all persons interested in said cause, as heirs, legatees, distributees, or otherwise, to be made parties to any action aforesaid, if it shall be deemed necessary, in order to a full and complete settlement and adjustment of the rights of the parties, in the same manner as in other civil actions, with full power and authority to settle and determine the rights of the parties; and render judgment and award execution thereon as in other cases.

Sec. 7. The sureties of every such executor, administrator, or guardian, shall moreover be liable upon the official bond of the executor, administrator, or guardian, against whom any judgment may be rendered under the provisions of this act, either in the probate court, or court of common pleas, and such sureties may be made parties to any such judgment, by petition or action to be commenced and prosecuted in the same manner as is provided in this act for the commencement and prosecuting causes, against executors, administrators, or guardians, to final judgment and execution: Provided that in all cases in which service of process shall have been made upon such executor, administrator, or guardian by publication as provided in section 2, the surety shall be permitted to make the same defence as the executor, administrator or guardian could have made.

Sec. 8. Any executor, administrator, or guardian, may maintain a civil action in the court of common pleas, against the creditors, legatees, or distributees, or other parties, asking the direction or judgment of the court, in any matter respecting the trust, estate, or property to be administered, and the rights of the parties in interest, in the same manner, and as fully as was formerly entertained in courts of chancery.

Sec. 9. Appeals shall be allowed from any final order, judgment, or decree of the probate court to the court of common pleas, by any person against whom any such order, judgment, or decree may be made, or who may be affected thereby, in the same manner as is provided for appeals from the probate court, in the act entitled "an act supplementary to the act entitled 'an act defining the jurisdiction and regulating the practice of probate courts,' passed March 14, 1853, and to amend said act," passed May 1, 1854. Appeals shall also be allowed from any order or judgment of the court of common pleas, in like manner, to the district court, in proceedings under this act, by any person against whom any such judgment or order may be rendered, or who may be affected thereby, to the same extent and in the same manner as is provided for appeals from the common pleas in other cases, and bills of exceptions may be taken and allowed upon any decision of the probate court, court of common pleas, or district court, in proceedings under this act, as in other cases.

Sec. 10. This act shall apply to all cases of estates now settled, or in course of settlement, as well those that may hereafter be settled, and to all causes or suits now pending, respecting any matter provided for in this act.

Sec. 11. That the act entitled an act for the more speedy collection of debts, &c., from the executors, administrators, and guardians in certain cases, passed March 18, 1851, be and the same is hereby repealed. This act to take effect and be in force from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
THOMAS H. FORD,
President of the Senate.

April 17, 1857.

[No. 179.] AN ACT

To amend and supplementary to an act entitled "an act to provide for the reorganization, supervision and maintenance of Common Schools," passed March 14, 1853.

SECTION 1. Be it enacted by the General Assembly of the State of Ohio, That section three of the act aforesaid be so amended as to read as follows: Section 3. The said directors within five days after their election, shall take an oath of affirmation to support the Constitution of the United States and of the State of Ohio, and faithfully and impartially to discharge the duties of their office; which said oath the directors are authorized to administer to each other. And in case a vacancy shall occur in the office of director, by death, resignation, refusal to serve, or otherwise, it shall be the duty of the township clerk to fill such vacancy within ten days after being informed thereof, by the appointment of some suitable person who shall hold his office until the time of the next annual meeting, when a director shall be elected for the remainder, if any, of the unexpired term, in the manner prescribed in section two.

Sec. 2. That section four of said act be so amended as to read as follows: Section 4. If the qualified voters of any sub-district shall fail to meet and elect school directors as prescribed in sections two and three, it shall be lawful for any three qualified voters of such sub-district to call a special meeting of the voters of such sub-district for the purpose of electing directors, on first giving five days notice in writing of the time and place of holding such meeting by posting the same in three of the most public places in such sub-district; and the directors so elected at such special meeting, shall hold their offices for the unexpired term which they were respectively elected to fill.

Sec. 3. That section eight of said act be so amended as to read as follows: Section 8. It shall be the duty of the directors in each sub-district to take or cause to be taken, annually, between the first and third Monday of September, an enumeration of all the unmarried white and colored youth, noting them separately, between the ages of five and twenty-one years, resident within such sub-district and not temporarily there, designating between male and female, and return a certified copy thereof to the township clerk; and in case the directors in any sub-district shall fail to take and return the enumeration aforesaid, it shall be the duty of the township clerk to employ a competent person to take the same and allow him a reasonable compensation for his services, and shall proceed to recover the amount so paid for such services in a civil action, before any court having jurisdiction, in the name of the State of Ohio, against said directors in their individual capacity; and in such suits, said clerk shall be a competent witness; and the money so collected shall be applied to the use of common schools in the proper township. The township clerk shall make an abstract of the enumeration so returned to him, designating the number of youth in each sub-district, and transmit such abstract duly certified to the county auditor, on or before the first day of October.

Sec. 4. That section twelve of said act be so amended as to read as follows: Section 12. It shall be the duty of the township Board of Education to hold regular sessions on the third Monday of April and on the third Monday of September in each year, in the usual place of holding township elections, or at such place in the immediate neighborhood as may be convenient for the transaction of any business which may be necessary in relation to the subject of either the primary or graded schools of the township, with power to adjourn from time to time, or to hold special meetings at any other time or place within the proper township, as they may think desirable for the transaction of business as aforesaid, and at all such meetings shall appoint one of their number to the Chair, and in case of the absence of the Township Clerk may appoint one of their own number to serve temporarily as Clerk.

Sec. 5. That section nineteen of said act be so amended as to read as follows: Section 19. The Board of Education in each township shall prepare, or cause to be prepared and forwarded to the county Auditor, on or before the first day of October, a statement exhibiting the number of